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PROPOSALS FOR A JOINT WATCHDOG COMMITTEE

The prospects for passage of legislation creating a Joint Committee on Intelligence this session are practically nonexistent. In fact, we see no likely prospects that such proposals will be given serious consideration during the coming year.

The most recent proposals, introduced last summer, stem from the recommendations of the Members of Congress for Peace Through Law, a group of some 38 Senators and 70 Representatives who spearheaded the fight against further ABM deployment and who are interested in reordering priorities from defense to domestic needs as they see them.

The Members of Congress for Peace Through Law were explicit in outlining the objectives and functioning of the proposed Committee:

- a. To be fully informed on all foreign intelligence-- including national intelligence estimates.
- b. To study all problems relating to the gathering, coordination, and use of intelligence.
- c. To limit covert actions to assure they are not inconsistent with publicly expressed national policy.

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d. To serve as official liaison between the Congress and the National Security Council.

e. To provide members from the Committee to represent the Congress as non-voting members on the United States Intelligence Board.

f. To render annual reports to the Congress on the functioning of the Committee.

g. To exercise jurisdiction over all elements of the intelligence community--CIA, DIA, NSA, INR, Army, Navy and Air Force Intelligence, and other services engaged in foreign intelligence activities.

These provisions ignore the separation of powers between the Legislative and Executive Branches by providing, in effect, a Congressional Board of Governors to oversee the President's intelligence processes.

The issue of a Joint Intelligence Committee concerns the organization of the Congress. The position of the Executive has been that it should be resolved by the Congress. In essence, such proposals are an attack on the existing committee structure of the Congress. However, a number of arguments pro and con have been advanced:

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Pros

a. On the positive side it has been argued that the existence of a Joint Committee with members from both Houses and from the standing committees dealing with both defense and foreign relation matters would assure the skeptics that the Agency is being adequately supervised. Some contend that as such the committee could serve as a defender of the Agency.

b. By providing one point of contact for the Agency and the intelligence community, a Joint Committee would make more orderly the conduct of business between the intelligence community and the Congress.

c. A Joint Committee with representatives from the Foreign Affairs and Foreign Relations Committees would tend to mute a frequent source of criticism from these committees by recognizing their legitimate interest and keeping them better informed.

d. Finally, a Joint Committee could promote a better congressional appreciation of the needs of the intelligence community through the utilization of professional staff members devoting full time to community problems.

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Cons

a. Probably the chief obstacle to the establishment of a Joint Committee is the problem of committee jurisdiction. Other than CIA and AEC, all of the elements of the intelligence community are components of other Federal departments and agencies under the jurisdiction of existing standing committees. Thus, the establishment of a Joint Committee on intelligence would immediately raise jurisdictional problems. Simply stated, Armed Services Committees would not relinquish jurisdiction over DIA, NSA, ONI, etc.

b. Another consideration is the multitude of security problems that could exist where vast amounts of sensitive information would be in the possession of persons outside the security discipline of the Executive Branch.

c. A Joint Intelligence Committee could result in a direct challenge to the prerogatives of the Executive. Finished intelligence is primarily a tool of the Executive in the formulation and execution of national policy. However it is only one of several ingredients that go into policy formulation. If viewed in isolation from other factors to

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which the Executive alone might be privy it might dictate courses of action at sharp variance to those decided upon by the Executive. This could involve the intelligence function in major disagreements between the Executive and Legislative Branches. This same kind of disagreement could arise in connection with covert operations.

d. The mission of the professional staff members of a Joint Committee would be to keep on top of the Agency and the intelligence community. This could disrupt established lines of command and interfere with the management of the intelligence organizations.

SUMMARY

In summary then, regardless of what one thinks of the balance between the pro and con arguments, a Joint Intelligence Committee has little chance for early approval since it represents a direct attack against the existing committee structure and against the way the "congressional establishment" has carried out its responsibilities.

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